UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS EL PASO DIVISION

LEAGUE OF UNITED LATIN	§	
AMERICAN CITIZENS, et al.,	§	
Plaintiffs,	& & &	EP-21-CV-00259-DCG-JES-JVB
EDDIE BERNICE JOHNSON, et al.,	§	[Lead Case]
Plaintiff-Intervenors,	§ § 8	& All C
	§	All Consolidated Cases
GREG ABBOTT, in his official capacity as	§	
Governor of the State of Texas, et al.,	§	
Defendants.	§ §	

OPINION CONCURRING IN PART AND DISSENTING IN PART FROM MEMORANDUM OPINION AND ORDER (ECF No. 853)

DAVID C. GUADERRAMA, Senior District Judge, concurring in part and dissenting in part:

I respectfully **DISSENT IN PART** from the Court's February 21, 2025 "Memorandum Opinion and Order" (ECF No. 853) to the extent it's inconsistent with the conclusions below.

The Court should dismiss the following challenges (albeit with leave to amend):

- (1) Plaintiff Akilah Bacy's challenge to Congressional District 38; and
- (2) Bacy Plaintiff Cecilia Gonzales's challenge to Congressional District 25.

As currently pleaded, both of those challenges depend exclusively on coalition districts that no longer pass muster under *Petteway*.

As for the Bacy Plaintiffs' challenges to Congressional Districts 29 and 33, the Court should dismiss the coalition-based claims with leave to amend and let the single-race-majority claims that the Bacy Plaintiffs have pleaded in the alternative go forward without further amendment.

Finally, the Bacy Plaintiffs' challenges to the following districts are standalone single-race-majority claims that survive *Petteway* in their current form, without further amendment:

- (1) House District 129;
- (2) Congressional District 36; and
- (3) the districts in South and West Texas.

In all other respects, I **CONCUR IN PART** with the ultimate results that the majority opinion reaches, but for slightly different reasons.

SIGNED this 5th day of March 2025.

SENIOR U.S. DISTRICT JUDGE

wif & Geralman